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June 2, 2022

**VIA ECF**

Hon. Jessica S. Allen  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Room MLK 2B  
Newark, New Jersey 07102

**Re: *Dean et al. v. B&G Foods, Inc.*, Case No. 2:22-CV-01338-SDW-JSA  
Defendant B&G Foods, Inc.'s Notice of Withdrawal of Motion to Dismiss  
and Intent to File Motion to Dismiss Amended Complaint**

Dear Judge Allen:

Pursuant to the Court's instruction, Defendant B&G Foods, Inc. ("B&G Foods") hereby withdraws without prejudice its Motion to Dismiss (ECF No. 10) and related Motion for Judicial Notice (ECF No. 9) in light of Plaintiffs' Amended Complaint (ECF No. 25).

To provide context, Plaintiffs originally filed this action in the Northern District of California on January 31, 2022. *See Blassingame v. B&G Foods, Inc.*, Case No. 5:22-CV-00640-BLF (N.D. Cal.). Plaintiffs subsequently dismissed the action and refiled it in this Court on March 11, 2022. B&G Foods moved to dismiss the original Complaint on May 7, 2022 and Plaintiffs filed the Amended Complaint on May 31, 2022.

The Amended Complaint does not cure the many deficiencies B&G Foods identified in its Motion to Dismiss. Accordingly, B&G Foods hereby provides notice of its intention to file a Motion to Dismiss the Amended Complaint and related Motion for Judicial Notice and reserves all rights accordingly.

Sincerely,

/s/ Mitchell Stein

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(NJ Bar No. 040751988)

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